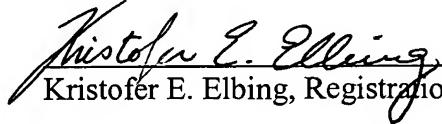


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kollias et al. Examiner: Not Assigned  
Serial No.: 10/085,011 Art Unit: 3736  
Filed: February 28, 2002  
Title: NON-INVASIVE TISSUE GLUCOSE LEVEL MONITORING

**CERTIFICATE OF HAND DELIVERY**

The undersigned hereby certifies that this document is being hand delivered to the United States Patent and Trademark Office on November 12, 2003

  
Kristofer E. Elbing, Registration No. 34,590

Assistant Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT FILED PURSUANT TO  
THE DUTY OF DISCLOSURE UNDER 37 C.F.R. §§ 1.56, 1.97 and 1.98**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants request consideration of this Information Disclosure Statement.

**PART I: Compliance With 37 C.F.R. § 1.97**

This Information Disclosure Statement has been filed before the mailing of a first Office Action on the merits. No fee is due.

**PART II: Information Cited**

Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

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**PART III: Remarks**

A copy of all documents listed on the attached PTO-1449 form (modified) is enclosed. It is respectfully requested that:

The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims; and

The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that a more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

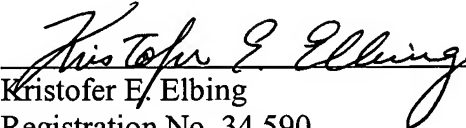
Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0750.

Respectfully submitted,

November 10, 2003  
Dated

  
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SUBSTITUTE FORM PTO-1449  
(MODIFIED)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

Application No. 10/085,011

Filing Date 2/28/2002

First Named Inventor Kollias et al.

Art Unit 3736

Examiner Name not assigned

Attorney Docket No. M0001-003002

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use several sheets if necessary)

(37 CFR 1.98(b))

## **U.S. PATENT DOCUMENTS**

Examiner Initials*	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	Number - Kind Code <sub>2</sub> (if known)		
	US- 6,505,059 B1	01-07-2003	Kollias et al.
	US- 2002/0143243 A2	10-03-2002	Georgakoudi et al.
	US- 6,232,609	05-15-2001	Snyder et al.
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	US- 6,049,727 A	04-11-2000	Crothall
	US - 5,857,462	01-12-1999	Thomas et al.
	US- 5,850,623	12-15-1998	Carman, Jr. et al.
	US- 5,712,101	01-27-1998	Bucala
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	US - 4,866,644	09-12-1989	Shenk et al.

## **FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Translation
	Country Code <sub>3</sub> -Number - Kind Code <sub>3</sub> (if known)			
	WO 99/51142	10-14-1999	General Hospital Corp. (Kollias et al.)	
	WO 99/27848	06-10-1999	Abbott Lab (Oosta et al.)	
	WO 97/48331	12-24-1997	Mitchell et al.	

	WO 93/17621	09-16-1993	Wong et al.	
OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate) title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	ALAM, M. KATHLEEN et al. "Characterization of pH Variation in Lysed Blood by Near-Infrared Spectroscopy," Applied Spectroscopy, vol. 52, no. 3, pp. 393-399, 1998.			
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	DIFFEE, JOHN T., "Tobacco Analysis by NIR Spectroscopy," R.J. Reynolds Tobacco Company, Winston-Salem, North Carolina, 1992.			
	MONNIER, V.M. et al. "Skin Collagen Glycation, Glucosidation, and Crosslinking Are Lower in Subjects with Long-Term Intensive Versus Conventional Therapy of Type I Diabetes," Diabetes 48, pp. 870-880, 1999.			
	SCHWARTZ, Jon A. et al. "Diagnostic Potential of Laser-Induced Autofluorescence Emission in Brain Tissue," Journal of Korean Medical Science, vol. 12, no.2, April 1997, pp. 135-142.			
	WANG et al., "Multivariate Instrument Standardization," Anal. Chem., vol. 63, pp.2750-2756, 1991.			
	WANG et al. "Improvement of Multivariate Calibration through Instrument Standardization," Anal. Chem., vol. 64, pp.562-564, 1992.			
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	U.S. S.N. 09/785,531			
	U.S. S.N. 09/704,829			
	U.S. S.N. 09/704,421			
EXAMINER SIGNATURE			DATE CONSIDERED	
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with the next communication to applicant.				

See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual on if not in conformance and not considered. Include copy of this form with next communication to applicant.